IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Bail Appl..No. 7059 of 2007()

CRIME NO. 223/07 OF PULLKEEZHU POLICE STATION
CRLMP.5938/2007 of J.M.F.C.,THIRUVALLA

.....

PETITIONER/ACCUSED

DEEPAK, S/O.PEETHAMBARAN'CHOLECHIRAYIL
VEEDU, PUTHANAMBALAM, KANJIKKUZHI VILLAGE
CHERTHALA.

BY ADV. SRI.SHIJU ABRAHAM VERGHIS

RESPONDENTS:

STATE OF KERALA,REPRESENTED
BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7059 of 2007

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Dated this the 20th day of November, 2007

O R D E R

Application for regular bail. The petitioner is the second accused. He, along with the co-accused, the first accused, faces allegations for offences punishable, inter alia, under Section 376 I.P.C. The first accused allegedly committed rape on a 52 year old woman. Even allegedly the petitioner had not committed the offence of rape. He had only accompanied the first accused. The petitioner contends that he was only a taxi driver and the petitioner had no reason to believe that the victim was not a consenting party, who was proceedings voluntarily. The alleged incident took place on 14.10.2007. The petitioner was arrested on 15.10.2007. The first accused has also been arrested on the next day. The petitioner continues in custody from 15.10.2007.

2. The learned Prosecutor points out further that some ornaments of the victim were allegedly handed over by the first

accused to the petitioner herein and they both together had allegedly disposed it of.

3. The learned Prosecutor opposes the application. Notwithstanding the opposition, I am satisfied, in the facts and circumstances, of the case that the petitioner, who has remained in custody from 15.10.2007, can now be enlarged on bail subject to appropriate terms and conditions.

4. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m.

and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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